

Application No. 10/597,137
Amendment dated December 28, 2009
Reply to Office Action of September 29, 2009

Docket No.: 20794/0204605-US0

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figs. 1-8.

Attachment: Five (5) Replacement sheet(s)

REMARKS

Claims 8-19 are pending in the application. Claims 9-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8 and 15-19 were rejected under 35 U.S.C. § 103(a) based on a combination of U.S. Publication No. 2003/0192578 to Ochoa et al. (“Ochoa”) and U.S. Patent No. 7,445,013 to VanderRoest et al. (VanderRoest”).

The claims have now been amended. No new matter is added.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Objection to the Drawings

The drawings were objected to under 37 CFR 1.121(d). Replacement drawing sheets including Figs. 1-8 are submitted herewith. The replacement drawings are clear and decipherable. The drawings do not add new matter.

Rejections Under 35 U.S.C. § 112

Claims 9-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action alleges that the feature of the “pivotable cup support” is unclear.

Claim 8 has now been amended to recite the pivotable cup support and to specify that “the pivotable cup support being configured to hold cups.” It is respectfully submitted that pivotable or folding cup supports or cup shelves are a term of the art that would be well known to one of ordinary skill. For example, such cup supports are described in the background section of the Specification, at paragraph [0003]. The Specification sets forth that a two-level cup support with a pivotably mounted upper cup support is described in DE102004022024.7 (“DE ‘024”). The U.S. counterpart application of DE ‘024, U.S. Patent Application Publication No. 2007/0199584 describes such a pivoting cup support. See, U.S. Patent Application Publication No. 2007/0199584,

abstract. Thus, it is respectfully submitted that the term “pivotable cup support,” as recited in amended claim 8 is clear and definite.

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, for failing to include antecedent basis for “the cup support.” Claim 12 has now been amended to recite “the pivotable cup support,” which is introduced in amended independent claim 8.

Reconsideration and withdrawal of the rejection of claims 9-14 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 8 and 15-19 were rejected under 35 U.S.C. § 103(a) based on a combination of U.S. Publication No. 2003/0192578 to Ochoa et al. (“Ochoa”) and U.S. Patent No. 7,445,013 to VanderRoest et al. (VanderRoest”).

Ochoa describes a dishwasher with water conduits 28 extending from a connection arrangement 26 and water spray tubes 32 extending from elbows 30 connected to the conduits 28. See Ochoa, paragraph [0029] and Fig. 3.

VanderRoest describes a dishwasher with upper spray arm assemblies 23, 24 and a spray manifold 29 for a second wash zone. A valve 40 directs wash liquid to either the upper spray arm assemblies 23, 24 or the spray manifold 29. See VanderRoest, Abstract, paragraph [0023], and Figs. 2, 4A and 4B.

Independent claim 8 of the present application has now been amended so as to recite a “pivotable cup support being operable to hold cups,” “an intensive washing zone disposed in a region of the dish rack beneath the pivotable cup support, the intensive washing zone including a rod-shaped pipe element attached to the wire member and having an outlet nozzle,” a pipe branch communicating with the pipe element via a T-piece and a valve and an “actuator cooperating with the pivotable cup support such that pivoting of the pivotable cup support is operable to open and close the valve.” Support for the amendment to claim 8 may be found, for example, in the Specification at paragraphs [0003] and [0009] and in claim 9, which has now been cancelled.

It is respectfully submitted that Ochoa and VanderRoest, both individually and in combination, fail teach or suggest a pivotable cup support, as recited in amended claim 8. Ochoa

and VanderRoest also nowhere teach or suggest an actuator that cooperates with a pivotable cup support such that pivoting the pivotable cup support is operable to open and close a valve connecting a pipe branch to a pipe element of an intensive washing zone, as also recited in amended claim 8. For the foregoing reasons, it is respectfully submitted that any combination of Ochoa and VanderRoest, to the extent proper, could not render claim 8 or its dependent claims 10-19 obvious.

Reconsideration and withdrawal of the rejection of claims 8 and 15-19 under 35 U.S.C. § 103(a) is respectfully requested.

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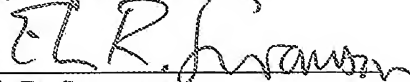
CONCLUSION

In view of the above amendment, applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

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Attachments – Five (5) Replacement Drawing Sheets